

FEDERAL COMMUNICATIONS COMMISSION DOCKET FILE COPY ORIGINAL

Washington, D. C. 20554

September 16, 1999

OFFICE OF
MANAGING DIRECTOR

86-285

Thomas Gutierrez, Esquire
Samuel F. Cullari, Esquire
Lukas, Nace, Gutierrez and Sachs
1111 Nineteenth Street, N.W.
Suite 1200
Washington, D.C. 20036

RE: SkyTel Corp., Application for License Renewal and Request
for Waiver of Fees
Fee Control No.: 9904138130267001

Dear Messers. Gutierrez and Cullari:

This replies to your Petition for Waiver of SkyTel Corporation in which you request a waiver of the "per call sign" fee requirement established by 47 U.S.C. § 158 and prescribed at 47 C.F.R. §1.1102(45)(g). Your petition argues that payment of individual fees for the renewal of 144 licenses would result in "an unnecessary and inappropriate reduction in SkyTel's ability to provide quality service at low prices to the community." Furthermore, you contend that the cost of processing these applications is undoubtedly significantly reduced "due to the repetitive nature of processing multiple renewal applications simultaneously filed by one licensee." For the following reasons, your waiver request is denied.

SkyTel has the burden to demonstrate that the circumstances of its case are "extraordinary and compelling" and that "a waiver or deferment would override the public interest in reimbursing the commission for its regulatory costs." *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, 9 FCC Rcd 6957, 6970 (1994) (the Commission applied the analysis of the Section 8(d)(2) standard to its discussion of the Section 9(d) waiver). SkyTel's petition fails to meet that standard.

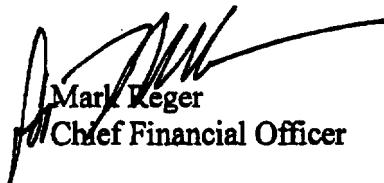
Nothing about the renewal application, the fee, or the financial status of SkyTel establishes or even suggests extraordinary or compelling circumstances. For example, the total fee \$6,480 is less than 0.001% of SkyTel's last year's sales. Further, SkyTel's argument that saving \$6,435 will result in increases to a customer service representative, a survey, or new equipment is speculative and unsubstantiated. Similarly, SkyTel has not substantiated its claimed service impairment. And finally, because the annual per capita share of the total fee is significantly less than one penny, SkyTel fails to adequately explain any relationship or basis between the fee and prospective rate increases.

SkyTel's claim that waiver is warranted because the fee does not reflect Commission costs is also rejected. At the outset, the statutory fee amount is an average that recognizes variations in processing times and efforts. Certainly, there may be instances where the cost to process is less than the fee. The Commission has expressly noted that fees may not reflect the actual costs of processing. *See In the Matter of Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989, 5 FCC Rcd 3558, 3574 (1990).* In any event, SkyTel's argument appears to be predicated on the perceived efficiency in SkyTel's filing methodology in contrast to an equal number of renewals being filed by multiple parties or by one party at different times. No evidence supports any of SkyTel's bare declarations that the Commission's costs have been reduced.

The petition fails to meet the standard of demonstrating a compelling or extraordinary circumstance and that the waiver of \$45 fees for each of 143 geographically diverse stations overrides the public interest, as determined by Congress, that the government should be reimbursed for the efforts to process these 144 license renewals. *See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Reconciliation Act of 1985, 2 FCC Rcd 961 (1987).*

Accordingly, your request for waiver is denied.

Sincerely,


Mark Reger
Chief Financial Officer

9904138130267001

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Application of SkyTel Corp. for) File No. 0000016043
Renewal of its Part 22 Paging and)
Radiotelephone Licenses)
Lead Call Sign of 144: KNKG380 ~)

PETITION FOR WAIVER OF SKYTEL CORPORATION

SkyTel Corp. ("SkyTel") by its attorneys and pursuant to section 1.925 and 1.1117 of the Commission's rules, 47 C.F.R. §§ 1.925 and 1.1117, hereby submits a petition for waiver of the "per call sign" fee requirement of section 1.1102(45)(g) of the Commission's rules, 47 C.F.R. § 1.1102(45)(g), as it applies to the renewal of the 144 licenses identified in Exhibit A hereto (the "Licenses"). In support thereof the following is shown:

Section 1.1102(45)(g) of the Commission's rules requires that licensees applying for renewal of Domestic Public Land Mobile authorizations pay an application fee of \$45.00 per call sign. 47 C.F.R. § 1.1102(45)(g). Below SkyTel demonstrates that requiring SkyTel to pay this fee for each of the Licenses would result in an unnecessary and inappropriate reduction in SkyTel's ability to provide quality service at low prices to the community. The public interest in avoiding such a reduction clearly outweighs the Commission's interest in being reimbursed for the cost of processing these applications, especially where such processing cost as measured on a per application basis is significantly reduced due to the repetitive nature of processing multiple renewal applications simultaneously filed by one licensee.

Section 1.1117 of the Commission's rules provides for the grant of waivers where "good cause is shown and where waiver or deferral of the fee would promote the public interest." 47

C.F.R. § 1.1117. Similarly, Section 1.925 of the rules provides for waiver wherever the application of a rule would not serve "the underlying purpose of the rule" or would be -- "inequitable, unduly burdensome or contrary to the public interest". 47 C.F.R. § 1.925. Here, the potential degradation of service to SkyTel's community of license proves an unassailable basis for a waiver grant, consistent with both of these rules.¹

Collection of Application Fees is Based on Processing Costs

The Commission's current authority to collect fees is derived from amendments made to the Communications Act of 1934 (the "Act") by Congress in the Consolidated Omnibus Budget Reconciliation Act of 1985.² It is a well established principle that Congress granted this authority to enable the Commission to recoup its costs for processing applications and executing other regulatory actions.³ The Commission itself recognized this fact in its *Fee Order*, stating, "we have continued to work with succeeding Congresses to fashion a schedule of charges that reflects the cost of processing applications and other filings."⁴ In amending the Act Congress

¹ "[T]he Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

² Consolidated Omnibus Budget Reconciliation Act of 1985, Pub.L. No. 99-272, §§ 5002(e) and (f), 100 Stat.82 (1986) ("Budget Act").

³ See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, Notice of Proposed Rule Making, FCC 86-301, (released July 9, 1986) ("*Fee NPRM*") (Not published in FCC Record).

⁴ *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947, 948 (1987) ("*Fee Order*").

also provided the Commission authority to "waive or defer the payment of a charge in any specific instance for good cause shown, where such action would promote the public interest."⁵

-Reduction or Degradation of Service Constitutes Good Cause for Waiver

Since the implementation of the Budget Act the Commission has consistently stated that it will grant requests for waiver of fees "only upon a showing that such action overrides the public interest in reimbursing the Commission for its regulatory costs."⁶ The Commission has stated that in most instances the "general public interest" in reimbursing the Commission for services provided would outweigh the licensee's interest in waiving "the small incremental cost represented by these fees."⁷ However, the Commission has specifically recognized that where payment of a fee could result in reduction or degradation of service to the community, the public interest in granting a waiver outweighs the Commission's interest in being reimbursed for its services.⁸ In fact, the Commission has stated that a possible reduction in service satisfies the more stringent test of "exceptional or compelling" circumstances necessary to obtain deferral of a fee on the date it is due to be filed. *Id.* As illustrated below, requiring SkyTel to pay multiple fees for license renewals which will be processed simultaneously will unnecessarily impair SkyTel's ability to provide service.

Payment of the Required Fees Will Reduce Service to the Community

47 U.S.C. § 158(d)(2).

⁶ *Public Notice*, FY 1998 International and Satellite Services Regulatory Fees, 1998 WL 436352, (released August 3, 1998) ("*Public Notice*").

⁷ *Application of One Hundred and One Broadcasting, Inc.*, 3 FCC Rcd 4353, 4353 (1988).

⁸ *Public Notice*, at 8.

1.1117

SkyTel is requesting waiver of the "per call sign" requirement of section 1.1102(45)(g) of the Commission's rules. SkyTel requests that it be required to pay one \$45.00 fee in conjunction with its single application for renewal of 144 Paging and Radiotelephone licenses filed contemporaneously herewith. Denial of this request will effectively require SkyTel to remit \$6480.00 to the Commission for the processing of renewal applications which will actually cost the Commission a fraction of that amount.⁹

Barring its use for payment of renewal fees SkyTel could utilize this money to the benefit of its community of service in a number of ways. The money could be used to purchase additional equipment which could improve service to existing subscribers. The money could also be used to provide a salary increase to a customer service representative. It could also be used to fund a subscriber survey which would allow SkyTel to better tailor its service offerings to meet community needs. Lastly, the money could be used to pay for existing services, forestalling a need for a rate increase. Payment to the Commission of this substantial fee would have the opposite effect, making the need for a rate increase more likely.

The Required Fees Do Not Reflect the Commission's Costs

In light of the cost-based foundation for imposing application fees, grant of the requested waiver is particularly appropriate in this instance. Payment of the multiple fees would not only cause a reduction in service to the public, but at the same time it would compensate the Commission far beyond its actual processing costs since the applications are being filed contemporaneously by a single applicant. The Commission's costs will be significantly lower

⁹ Pursuant to Section 1.1117 of the Commission's rules, submitted simultaneously herewith are FCC Form 405, FCC Form 159 and a check for \$6480.00.

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Fee Code No.
9904138130267001

Deny Waiver Request

March 29, 1999

Federal Communications Commission
Wireless Bureau Applications
P.O. Box 358130
Pittsburgh, PA 15252-5230

FCC/MELLON

MAR 29 1999

Re: SkyTel Corp.
Paging and Radiotelephone Service Licenses
KNKG380 - Lead Call Sign of 144
FCC Form 405 - Application for License Renewal

Dear Sir or Madam:

On behalf of SkyTel Corp., we have enclosed an original paper copy of an application on FCC Form 405 for renewal of its above referenced licenses in the Part 22 Paging and Radiotelephone Service. Also enclosed is a petition for waiver of the "per call sign" fee requirement of Section 1.1102(45)(g) of the Commission's rules as it applies to the renewal of the subject 144 Part 22 Paging and Radiotelephone Service licenses.

We have enclosed a check made payable to the "Federal Communications Commission" in the amount of \$6,480.00 to cover the statutorily required filing fee for the renewal application and a check made payable to the "Federal Communications Commission" in the amount of \$135.00 to cover the fee for the waiver request.

Pursuant to the Commission's ULS Report and Order, the Bureau has waived the Section 22.105(d) microfiche requirements for Paging and Radiotelephone Service filings. Accordingly, no microfiche is being submitted with this filing.

If any questions arise with respect to this renewal application, please contact undersigned counsel directly.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Justin McClure".

J. Justin McClure

Enclosure

FCC 601 Main Form	FCC Application for Wireless Telecommunications Bureau Radio Service Authorization	Approved by OMB 3060 - 0798 See instructions for public burden estimate Submitted 03/02/1999 at 01:00PM File Number: 0000016043
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1) Radio Service Code: CD	
2) Application Purpose: Renewal/Modification	
3) If this request is for a Developmental License or an STA (Special Temporary Authorization), enter the appropriate code; otherwise enter N (Not Applicable).	N
4) If this request is for an Amendment or Withdrawal, enter the File Number of the pending application currently on file with the FCC.	File Number:
5) If this request is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Consolidate Callsigns or Duplicate License, enter the call sign of the existing FCC license.	Call Sign: KNKL358
6) If this request is for a New, Amendment, Renewal Only, Renewal/Modification, enter the requested authorization expiration date (this item is optional).	
7) If this request is for a Modification, Renewal/Modification, or Amendment (of a currently pending New or Modification) of a site-specific authorization (other than Part 101 Microwave), will the request increase or expand the composite coverage area, service area, or interference contour as defined in the Commission's rules for your services; or for a Cellular authorization, will the request result in an expansion of the CGSA (after expiration of the 5 year build out period), a de minimus SAB extension into unserved area in an adjacent market, or a change of channel block as defined in Part 22 of the Commission's rules?	No
8a) Does this filing request a Waiver of the Commission's Rules? If 'Yes', attach an exhibit providing the rule numbers and expanding circumstances.	Yes
8b) If a feeable waiver request is attached, multiply the number of stations times the number of rule sections and enter the result.	
9) Are Attachment being filed with this application?	Yes

Applicant Information

10a) Taxpayer Identification Number: L00127716		10b) SGIN: 000	
11) Licensee is a(n): Corporation			
12) First Name (if individual):	MI:	Last Name:	Suffix:
13) Entity Name (if other than individual): SKYTEL CORP.			
14) Name of Real Party In Interest of Applicant:			
15) Taxpayer Identification Number:			
16) Attention To:			
17) P.O. Box:	And/Or	18) Street Address: P.O. DRAWER 2469	
19) City: JACKSON	20) State: MS	21) Zip: 39225-2469	
22) Telephone Number: (202)857-3500		23) FAX:	
24) E-Mail:			

Contact Information (If different than applicant)

25) First Name:	MI:	Last Name:	Suffix:
26) Entity Name:			
27) P.O. Box:	And/Or	28) Street Address:	
29) City:	30) State:	31) Zip:	
32) Telephone Number:		33) FAX:	
34) E-Mail:			

Regulatory Status

35) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

Yes Common Carrier

Non-Common Carrier

Private, internal communications

Type of Radio Service

36) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

Yes Fixed
Mobile
Radiolocation
Satellite (sound)

37) Interconnected Service? Yes

Fee Status

38) Is the Applicant exempt from FCC application fees?

No

39) Is the Applicant exempt from FCC regulatory fees?

No

Alien Ownership Questions

40) Is the Applicant a foreign government or the representative of any foreign government? If 'Yes', attach exhibit explaining circumstances.

No

41) Is the Applicant an alien or the representative of an alien? If 'Yes', attach exhibit explaining circumstances.

No

42) Is the Applicant a corporation organized under the laws of any foreign government? If 'Yes', attach exhibit explaining circumstances.

No

43) Is the Applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? If 'Yes', attach exhibit explaining circumstances.

No

44) Is the Applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? If 'Yes', attach exhibit explaining nature and extent of alien or foreign ownership or control.

No

Basic Qualification Questions

45) Has the Applicant or any party to this application or amendment had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission? If 'Yes', attach exhibit explaining circumstances.

No

46) Has the Applicant or any party to this application or amendment, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court? If 'Yes', attach exhibit explaining circumstances.

No

47) Has any court finally adjudged the Applicant or any party directly or indirectly controlling the Applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? If 'Yes', attach exhibit explaining circumstances.

No

48) Is the Applicant or any party directly or indirectly controlling the Applicant, currently a party in any pending matter referred to in the preceding two items? If 'Yes', attach exhibit explaining circumstances.

No

49) Race, Ethnicity, Gender of Applicant/Licensee (Optional)

Race:	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
Ethnicity:	Hispanic or Latino:	Not Hispanic or Latino:			
Gender:	Female:	Male:			

General Certification Statements

- 1) The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
- 2) The Applicant certifies that grant of this application would not cause the Applicant to be in violation of any pertinent cross-ownership, attribution, or spectrum cap rule.
*If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
- 3) The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
- 4) The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b) for the definition of 'party to the application' as used in this certification.
- 5) The applicant certifies that it either (1) has current Form 602 on file with the Commission, (2) is filing an update Form 602 simultaneously with this application, or (3) is not required to file Form 602 under the Commission's Rules.

Signature

50) Typed or Printed Name of Party Authorized to Sign			
First Name: ERNEST	MI: A	Last Name: OSWALT	Suffix:
51) Title: VICE PRESIDENT			
Signature: ERNEST A OSWALT			52) Date: 03/02/99
Failure To Sign This Application May Result In Dismissal Of The Application And Forfeiture Of Any Fees Paid			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, § 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, § 503).			

No Schedule D Data to Display

No Schedule J Data to Display

Attachment List

Attachment Type	Date	Description	Contents
Other	03/02/99	APPLICATION AND REQUEST FOR WAIVER OF RENEWAL (PART 1 OF 2)	15015754.0.pdf
Other	03/02/99	APPLICATION AND REQUEST FOR WAIVER OF RENEWAL (PART 2 OF 2)	15015755.0.pdf

Payment Transactions Detail Report

Date: 07/26/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9904138130267001	LUKAS NACE GUTIERREZ & SACHS C 1111 NINETEENTH STREET NW SUITE 1200 WASHINGTON DC 20036	GP00002081	0521386711	3/29/1999 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$6,615.00	\$6,615.00	145	PDWM	1		SKYTEL CORP	39201		\$135.00	1	PMT
\$6,615.00	\$6,615.00	1	CAD	1	KNKG380	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	2	CAD	1	KNKG783	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	3	CAD	1	KNKG859	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	4	CAD	1	KNKI478	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	5	CAD	1	KNKK268	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	6	CAD	1	KNKK735	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	7	CAD	1	KNKK941	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	8	CAD	1	KNKK942	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	9	CAD	1	KNKK945	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	10	CAD	1	KNKK946	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	11	CAD	1	KNKK950	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	12	CAD	1	KNKK951	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	13	CAD	1	KNKK953	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	14	CAD	1	KNKK966	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	15	CAD	1	KNKK967	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	16	CAD	1	KNKK970	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	17	CAD	1	KNKK971	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	18	CAD	1	KNKK973	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	19	CAD	1	KNKK975	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	20	CAD	1	KNKK978	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	21	CAD	1	KNKK979	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	22	CAD	1	KNKL202	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	23	CAD	1	KNKL211	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	24	CAD	1	KNKL322	SKYTEL CORP	39201		\$45.00	1	PMT

Payment Transactions Detail Report

Date: 07/26/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date
9904138130267001	LUKAS NACE GUTIERREZ & SACHS C 1111 NINETEENTH STREET NW SUITE 1200 WASHINGTON DC 20036	GP00002081	0521386711	3/29/1999 00:00:0

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$6,615.00	\$6,615.00	25	CAD	1	KNKL323	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	26	CAD	1	KNKL324	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	27	CAD	1	KNKL325	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	28	CAD	1	KNKL328	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	29	CAD	1	KNKL334	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	30	CAD	1	KNKL336	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	31	CAD	1	KNKL338	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	32	CAD	1	KNKL345	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	33	CAD	1	KNKL346	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	34	CAD	1	KNKL347	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	35	CAD	1	KNKL352	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	36	CAD	1	KNKL353	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	37	CAD	1	KNKL358	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	38	CAD	1	KNKL360	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	39	CAD	1	KNKL361	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	40	CAD	1	KNKL362	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	41	CAD	1	KNKL363	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	42	CAD	1	KNKL364	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	43	CAD	1	KNKL366	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	44	CAD	1	KNKL367	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	45	CAD	1	KNKL368	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	46	CAD	1	KNKL369	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	47	CAD	1	KNKL371	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	48	CAD	1	KNKL372	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	49	CAD	1	KNKL374	SKYTEL CORP	39201		\$45.00	1	PMT

Payment Transactions Detail Report

Date: 07/26/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9904138130267001	LUKAS NACE GUTIERREZ & SACHS C 1111 NINETEENTH STREET NW SUITE 1200 WASHINGTON DC 20036	GP00002081	0521386711	3/29/1999 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$6,615.00	\$6,615.00	50	CAD	1	KNKL375	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	51	CAD	1	KNKL376	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	52	CAD	1	KNKL377	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	53	CAD	1	KNKL380	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	54	CAD	1	KNKL381	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	55	CAD	1	KNKL385	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	56	CAD	1	KNKL419	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	57	CAD	1	KNKL477	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	58	CAD	1	KNKL499	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	59	CAD	1	KNKL567	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	60	CAD	1	KNKL570	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	61	CAD	1	KNKL571	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	62	CAD	1	KNKL579	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	63	CAD	1	KNKL640	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	64	CAD	1	KNKL641	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	65	CAD	1	KNKL642	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	66	CAD	1	KNKL643	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	67	CAD	1	KNKL647	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	68	CAD	1	KNKL648	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	69	CAD	1	KNKL649	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	70	CAD	1	KNKL655	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	71	CAD	1	KNKL725	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	72	CAD	1	KNKL738	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	73	CAD	1	KNKL773	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	74	CAD	1	KNKL783	SKYTEL CORP	39201		\$45.00	1	PMT

Payment Transactions Detail Report

Date: 07/26/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9904138130267001	LUKAS NACE GUTIERREZ & SACHS C 1111 NINETEENTH STREET NW SUITE 1200 WASHINGTON DC 20036	GP00002081	0521386711	3/29/1999 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$6,615.00	\$6,615.00	75	CAD	1	KNKL820	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	76	CAD	1	KNKL854	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	77	CAD	1	KNKL865	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	78	CAD	1	KNKL907	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	79	CAD	1	KNKL915	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	80	CAD	1	KNKL917	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	81	CAD	1	KNKL966	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	82	CAD	1	KNKL971	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	83	CAD	1	KNKL980	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	84	CAD	1	KNKL986	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	85	CAD	1	KNKL988	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	86	CAD	1	KNKM201	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	87	CAD	1	KNKM202	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	88	CAD	1	KNKM203	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	89	CAD	1	KNKM211	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	90	CAD	1	KNKM221	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	91	CAD	1	KNKM231	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	92	CAD	1	KNKM262	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	93	CAD	1	KNKM263	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	94	CAD	1	KNKM264	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	95	CAD	1	KNKM268	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	96	CAD	1	KNKM296	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	97	CAD	1	KNKM416	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	98	CAD	1	KNKM417	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	99	CAD	1	KNKM466	SKYTEL CORP	39201		\$45.00	1	PMT

Payment Transactions Detail Report

Date: 07/26/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9904138130267001	LUKAS NACE GUTIERREZ & SACHS C 1111 NINETEENTH STREET NW SUITE 1200 WASHINGTON DC 20036	GP00002081	0521386711	3/29/1999 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$6,615.00	\$6,615.00	100	CAD	1	KNKM550	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	101	CAD	1	KNKM788	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	102	CAD	1	KNKM993	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	103	CAD	1	KNKO204	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	104	CAD	1	KNKO340	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	105	CAD	1	KNKO353	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	106	CAD	1	KNKO426	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	107	CAD	1	KNKO455	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	108	CAD	1	KNKO539	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	109	CAD	1	KNKO926	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	110	CAD	1	KNKO942	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	111	CAD	1	KNKO945	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	112	CAD	1	KNKO995	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	113	CAD	1	KNKP200	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	114	CAD	1	KNKP262	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	115	CAD	1	KNKP265	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	116	CAD	1	KNKP266	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	117	CAD	1	KNKP335	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	118	CAD	1	KNKP340	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	119	CAD	1	KNKP370	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	120	CAD	1	KNKP411	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	121	CAD	1	KNKP420	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	122	CAD	1	KNKP485	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	123	CAD	1	KNKP507	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	124	CAD	1	KNKP537	SKYTEL CORP	39201		\$45.00	1	PMT

Payment Transactions Detail Report

Date: 07/26/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9904138130267001	LUKAS NACE GUTIERREZ & SACHS C 1111 NINETEENTH STREET NW SUITE 1200 WASHINGTON DC 20036	GP00002081	0521386711	3/29/1999 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$6,615.00	\$6,615.00	125	CAD	1	KNKP538	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	126	CAD	1	KNKP539	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	127	CAD	1	KNKP540	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	128	CAD	1	KNKP566	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	129	CAD	1	KNKP568	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	130	CAD	1	KNKP600	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	131	CAD	1	KNKP601	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	132	CAD	1	KNKP622	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	133	CAD	1	KNKP630	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	134	CAD	1	KNKP759	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	135	CAD	1	KNKS221	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	136	CAD	1	KNLM310	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	137	CAD	1	KNLM459	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	138	CAD	1	KNLM505	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	139	CAD	1	KNLM626	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	140	CAD	1	KNLM794	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	141	CAD	1	KNLM802	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	142	CAD	1	KNLM886	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	143	CAD	1	KNLM918	SKYTEL CORP	39201		\$45.00	1	PMT
\$6,615.00	\$6,615.00	144	CAD	1	KNLP673	SKYTEL CORP	39201		\$45.00	1	PMT
Total	145								\$6,615.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554
DEC 17 1999

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OFFICE OF
MANAGING DIRECTOR

86-285

B. Lynn F. Ratnavale, Esq.
Lukas, Nace, Guitierrez & Sachs, Chartered
1111 Nineteenth Street, N.W.
Suite 1200
Washington, D.C. 20036

Re: Request for and Waiver of Late Charge
Penalty for FY 1998 Regulatory Fees
Socorro Satellite Systems
Fee Control No. 9809238835597003
Amount Paid: \$780

Dear Ms. Ratnavale:

This is in response to the request for waiver of the late charge penalty for late payment of the Fiscal Year (FY) 1998 regulatory fees, filed on behalf of Socorro Satellite Systems. We apologize for failing to respond to your request in a timely manner.

You request that we waive the late charge penalty for late payment of FY 1998 regulatory fees for Socorro Satellite Systems. You state that the regulatory fees were prepared for timely submission and that Socorro Satellite Systems immediately contacted counsel upon realization that the fees were late. You did not submit any evidence or explanation to excuse the failure to pay regulatory fees when due. The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25% on any regulatory fee not paid in a timely manner. Your request is therefore denied.

Payment of the late charge penalty in the amount of \$195.00 was assessed and due on September 19, 1998. The late charge penalty must be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. You are cautioned that the failure to submit payment as required may result in further sanctions and the initiating of a proceeding to recover the penalty and accrued interest pursuant to the provisions of the Debt Collection Act.

You also requested pursuant to Sections 0.457 and 0.459 of the Commission's rules that the information submitted with the fee payment and waiver request be treated as confidential and not made routinely available for public inspection. That request is

B. Lynn F. Ratnavale, Esq.

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granted and the information will not be routinely available for public inspection and will be treated as confidential in accord with Section 0.459 of the Commission's rules

If you have any questions concerning this letter, please call the Credit & Debt Management Center at 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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JUL 15 1999

OFFICE OF
MANAGING DIRECTOR

86-285

Lee J. Peltzman, Esquire
Shainis & Peltzman, Chartered
1901 L Street, N.W.
Suite 290
Washington, D.C. 20036

Re: Robert M. Stevens
New FM Station
Brookville, Pennsylvania
Fee Control # 9605218195244001

Dear Mr. Peltzman:

This is in response to your request for refund of the application fee filed on behalf of Robert M. Stevens, a former applicant for a new FM station at Brookville, Pennsylvania

You represent that Mr. Stevens "paid his application fee in anticipation that his application would be reviewed and . . . if found to be mutually exclusive, would be designated for hearing." You further represent that at the time he filed his application, Mr. Stevens did not know that the Brookville channel would be awarded through the competitive bidding procedures, and that when he became aware that the Commission adopted such procedures, he decided to dismiss its application pursuant to an universal settlement.

Under the circumstances, because Mr. Stevens timely disavowed any interest in participating in the auction and sought dismissal of his application, and further because Mr. Stevens' dismissal has been rendered final, refund of the filing fee is appropriate. *See Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15957 (1998); *see also* 47 C.F.R. § 1.1113(a)(4).

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$2,335.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer

9605218195244001

RECEIVED

Shainis & Beltzman, Chartered

OCT 19 1998

Counselors at Law

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Suite 290

1901 I Street, N.W.

Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

Aaron H. Shainis
Lee J. Beltzman

Of Counsel

William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

October 19, 1998

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, D.C. 20554

Re: **Request for Refund of Application Fee**
Robert M. Stevens
Brookville, Pennsylvania
BPH-960520MC

Dear Mr. Fishel:

This letter is submitted on behalf of Robert M. Stevens ("Stevens"), former applicant for a new FM construction permit at Brookville, Pennsylvania. By this letter, Stevens requests the refund of his application fee submitted to the Commission as part of that Brookville, Pennsylvania application. A brief synopsis of the facts follows.

On May 20, 1996, Stevens filed his application for a new FM construction permit on Channel 277 at Brookville, Pennsylvania. A total of seven applications were received by the Commission. None of them was reviewed or accepted for filing at that time. As part of Stevens' Brookville filing, he paid a Two Thousand Three Hundred Thirty-five Dollar (\$2,335.00) filing fee to the Federal Communications Commission. See Attachment A. As noted, his application was not accepted for filing. Years later, on January 30, 1998, the seven applicants filed a Joint Request for Approval of Settlement with the Commission, contemplating the grant of the application of Renda Radio, Inc. As part of his Settlement Agreement, Stevens requested dismissal of his application. The Commission, on April 16, 1998, released a Public Notice which approved the Joint Request, dismissed Stevens' application, and granted the application of Renda Radio, Inc. See Attachment B.

Stevens paid his application fee in anticipation that his application would be reviewed and granted, or, if found to be mutually exclusive, would be designated for hearing. Stevens did not file with knowledge that the Brookville channel would be awarded by auction. When Stevens became aware that his application would not undergo a comparative hearing, he made the

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Shainis & Peltzman, Chartered

Mr. Andrew S. Fishel
October 19, 1998
Page Two

decision to dismiss his application as part of an overall settlement. Therefore, in light of the facts presented, Stevens respectfully requests that the Commission refund his application fee in the amount of \$2,335.00.¹

If the Commission has any questions with respect to this request, kindly contact the undersigned.

Sincerely yours,



Lee J. Peltzman
Counsel for
Robert M. Stevens

Enclosures

¹ The Commission has noted that it will refund filing fees paid by applicants who do not participate in an auction, stating that such refunds are premised on the fact such applications were filed in anticipation of hearings which were not held. See Implementation of Section 309(j) of the Communications Act, FCC 98-194, released August 18, 1998 at paras. 101, 103. The same principle applies here as well since Stevens dismissed his application so that he would not have to participate in an auction. It should also be noted that Stevens filed his application in anticipation that the Commission would utilize the services of its personnel in reviewing his application. Since no review occurred here -- Stevens' application was never accepted for filing -- it is only fair and equitable that he be reimbursed his filing fee.

ATTACHMENT A

Brookville
BM
Shainis & Beltzman

Counselors at Law
Suite 200
2000 I Street, N.W.
Washington, D.C. 20036

FCC/MELLON MAY 20 1996

Aaron H. Shainis
Lee J. Beltzman

(202) 416-1633
Fax (202) 416-1823

Of Counsel
William H. DuRoss, III
Ruth S. Baker-Battist

May 20, 1996

Federal Communications Commission
Mass Media Services
P. O. Box 358195
Pittsburgh, PA 15251-5195

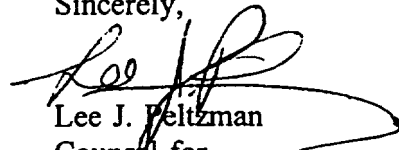
Re: Application for Construction Permit
for Commercial Broadcast Station
Brookville, Pennsylvania
277B1

Dear Sir/Madam:

Transmitted herewith, on behalf of Robert M. Stevens, is an original and two (2) copies of an application for a construction permit for a new FM commercial broadcast station on Channel 277B1 at Brookville, Pennsylvania. Attached hereto is a check in the amount of Two Thousand, Three Hundred Thirty-five Dollars (\$2,335.00) as the required FCC filing fee.

Please contact the undersigned should questions arise regarding this application.

Sincerely,


Lee J. Beltzman
Counsel for
ROBERT M. STEVENS

Enclosure

ATTACHMENT B



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

News media information 202/418-0500. Recorded listing of releases and texts 202/418-2222

NOTICE OF ACTION ON FM BROADCAST SETTLEMENT AGREEMENTS AND APPLICATIONS

Report No. 44221A

Released: 16 April 1998

We have received a Joint Petition for Approval of Settlement Agreement for each group of mutually exclusive applications for FM construction permits listed below ("Settlements"). These Settlements were filed pursuant to the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997) ("Balanced Budget Act").

All applicants have complied with the relevant requirements of the Communications Act of 1934, as amended. Further, each of the applications granted below either conforms to, or warrants a waiver of, any relevant Commission rules. See Balanced Budget Act; *Gonzales Broadcasting, Inc.*, 12 FCC Rcd 12253, 12555-56 (1997).

Accordingly, for each community of license listed below the Joint Petition for Approval of Settlement Agreement IS GRANTED and for:

SMITHS, AL

Cumulus Licensing Corp.'s application (original applicant - Smiths Broadcasting, LP) (File No. BPH-930301MG) IS GRANTED;

Smiths Station Broadcasting's application (File No. BPH-930301MH) IS DISMISSED;

Dan D. Greene's application (File No. BPH-930301MI) IS DISMISSED;

Cheryl Davis's application (File No. BPH-930301MF) IS DISMISSED;

Arthur C. & Margaret R. Angell's application (File No. BPH-930302MJ) IS DISMISSED;

Shirley A. Caswell's application (File No. BPH-930226MD) IS DISMISSED.

ATKINS, AR

KVOM, Inc.'s application (File No. BPH-950724MB) IS GRANTED;

Stephen A. Womack's application (File No. BPH-950724MF) IS DISMISSED.

EL DORADO, AR

Jerome Orr's application (File No. BPH-970116MA) IS GRANTED;

Three Guys Radio Partnership's application (File No. BPH-970115MA) IS DISMISSED.

HARRISBURG, AR

Mid-South Sing's application (File No. BPH-941215MC) IS GRANTED;

Bobby Caldwell's application (File No. BPH-41214MC) IS DISMISSED;

Todd P. Robinson's application (File No. BPH-941216MA) IS DISMISSED.

JEWETT, NY

The Ridgfield Broadcasting Corp.'s application (File No. BPH-960826MO) IS GRANTED;
Beehive Entertainment Corporation's application (File No. BPH-960826MN) IS DISMISSED.

NEWPORT, OR

Yaquina Bay Communications, Inc.'s application (File No. BPH-960429ME) IS GRANTED
Eric Dausman & Gina Jones d/b/a Whale B/cast. Co.'s application (File No. BPH-960507MX) IS DISMISSED;
Stewart Broadcasting, Inc.'s application (File No. BPH-960507MZ) IS DISMISSED;
Hubert G. Timmerman's application (File No. BPH-960507MJ) IS DISMISSED;
Q Media, LLC's application (File No. BPH-960508MD) IS DISMISSED;
Thomas D. Hodgins' application (File No. BPH-960507M4) IS DISMISSED;

BARNESBORO, PA

Vernal Enterprises, Inc.'s application (File No. BPH-960520ME) IS GRANTED;
Dubois Area B/casting Co., Inc.'s application (File No. BPH-960516MA) IS DISMISSED;
Robert M. Stevens' application (File No. BPH-960517MA) IS DISMISSED;
B.S. Broadcasting, Inc.'s application (File No. BPH-960520MI) IS DISMISSED.

BROOKVILLE, PA

Renda Radio, Inc.'s application (File No. BPH-960516MB) IS GRANTED;
Strattan Broadcasting, Inc.'s application (File No. BPH-960516MC) IS DISMISSED;
Vernal Enterprises, Inc.'s application (File No. BPH-960520MD) IS DISMISSED;
Magnum Broadcasting, Inc.'s application (File No. BPH-960520MM) IS DISMISSED;
B.S. Broadcasting, Inc.'s application (File No. BPH-960521MC) IS DISMISSED;
Robert M. Stevens' application (File No. BPH-960520MC) IS DISMISSED;
Priority Communications, Inc.'s application (File No. BPH-960521ML) IS DISMISSED.

CROSS HILL, SC

Southeastern B/cast Associates, Inc.'s application (File No. BPH-961121MA) IS GRANTED;
Douglas M. Sutton, Jr., d/b/a Sutton Radiocasting Co.'s application (File No. BPH-961121MB) IS DISMISSED

CLEAR LAKE, SD

Danial Sorenson's application (File No. BPH-970627MA) IS GRANTED;
Lac Qui Parle Broadcasting Co., Inc.'s application (File No. BPH-970619MD) IS DISMISSED;
Robert Lynn Faehn's application (File No. BPH-970624MJ) IS DISMISSED;
Three Eagles of Brookings, Inc.'s application (File No. BPH-970626MH) IS DISMISSED;
Christensen Broadcast Group, Inc.'s application (File No. BPH-970630ME) IS DISMISSED.

HENRY, TN

Benton-Weatherford B/casting, Inc. of TN's application (File No. BPH-970206MB) IS GRANTED;
Forked Deer Broadcasting, Inc.'s application (File No. BPH-970206MC) IS DISMISSED.

NORRIS, TN

Newko, LLC's application (original applicant - JP Broadcasting)
(File No. BPH-950512MD) IS GRANTED;
Freeman Broadcasters's application (File No. BPH-950505MC) IS DISMISSED;
Russell H. Castel's application (File No. BPH-950511MN) IS DISMISSED;
Carrie Ann Tuter's application (File No. BPH-950510MG) IS DISMISSED;
Michael J. Benns' application (File No. BPH-950510MH) IS DISMISSED;
Powell-Clinton Broadcasting, Inc.'s application (File No. BPH-950511MC) IS DISMISSED;
Ronald C. Meredith, Jr.'s application (File No. BPH-950502MD) IS DISMISSED.

Payment Transactions Detail Report

Date: 11/25/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9605218195244001	SHAINIS & PELTZMAN 2000 L STREET NW SUITE 200 WASHINGTON DC 20036	FCC2003537	05/20/96

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,335.00	\$2,335.00	1	MTR	1		STEVENS, ROBERT M	15801		\$2,335.00	1	PMT
Total	1								\$2,335.00		